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EXAMINER

BLAIR, DOUGLAS B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/2009 has been entered.

Response to Amendment

The applicant's amendments have overcome the previous rejections based on 35 USC section 101.

Response to Arguments

Applicant's arguments filed 8/21/2009 have been fully considered but they are not persuasive. The Examiner understands and agrees with the point the applicant is trying to make about how Yoakum's invention never suggests that a part of the presence information requested by a terminal is transmitted in response to a status change. The claims however are not limited to this argument. The claims only state that "partial presence information is status information that have changed". This terminology does not comprise a limiting definition of "partial presence" information. In Yoakum, the categories feature the status information that has changed. The categories also including information that has not changed does not preclude Yoakum from reading on the currently claimed invention.

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Even if the applicant were to specifically claim the features that distinguish over Yoakum, such features would not be patentable over at least the references U.S. Patent Number 7,359,938 to Davies et al. (See col. 17, lines 24-34), U.S. Patent Number 7,469,384 to Thompson et al. (See col. 5, lines 1-16), and U.S. Patent Number 7,221,658 to Armstrong (See col. 16, lines 7-16).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 12 recite the limitation "the presence server". There is insufficient antecedent basis for this limitation in the claim. The applicant's amendment to claim 1 removed the antecedent basis for these features.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 10-14, 16, and 18-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,658,095 to Yoakum et al. (Part of the IDS filed on 3/18/2004).

As to claim 1, Yoakum teaches a computer-readable storage medium having instructions stored thereon which are executable by a computer system by performing steps comprising: identifying at least one presentity to which a terminal has requested presence services (**col. 7, lines 10-12 and lines 54-65, the subscribers are requesting presence information**); creating a presence document including presence information corresponding to the presentity (**col. 7, lines 45-49, the status information is considered the presence document. The applicant's specification features no limiting definition for a "presence document"**); configuring the presence information as partial presence information being less than a total of the presence information available for the presentity (**col. 7, lines 54-65, the rules are applied to the status information to provide only the information which is requested to the subscribers**), wherein the partial presence information is status information for presence information that have changed (**col. 3, lines 47-61, See Response to Arguments**); and communicating the presence document having the partial presence information to the terminal requesting the presence information (**col. 9, lines 4-20, the presence updates based on the rules are provided to a subscribing user**).

As to claim 4, Yoakum teaches instructions for providing at least one action value in the presence information (**col. 9, lines 4-20**).

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As to claim 10-14, Yoakum teaches instructions for facilitating terminal subscriptions, fetching and polling, providing notifications and providing indications of changes (**See col. 9-12 as cited throughout the office action**).

As to claim 16, Yoakum teaches instructions for providing a predefined attribute value with the partial presence information (**col. 9, lines 4-20**).

As to claim 18, it is rejected for the same reasoning as claim 1.

As to claim 19, Yoakum teaches an apparatus, comprising: a processor; a watcher application executable by the processor to generate at least one request for presence information of at least one presentity, and to receive partial presence information including less than the totality of the presence information available for the at least one presentity, wherein the partial presence information is status information for presence information that have changed (**col. 9, lines 4-20, the presence application is considered the watcher and col. 3, lines 47-61 describes partial presence notifications as does col. 4, lines 63-67**); and a memory to store the presence information, and to update portions of the presence information identified by the partial presence information (**col. 9, lines 4-20**).

As to claim 20, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to generate the at least one request in the form of subscription request to subscribe to the presence information of the at least one presentity (**col. 10, lines 11-16**).

As to claim 21, Yoakum teaches a UE terminal as in claim 20, wherein the subscription request comprises a SIP SUBSCRIBE method (**col. 10, lines 11-16**).

As to claim 23, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable to receive partial presence information by fetching the partial presence information **(col. 9, lines 4-20)**.

As to claim 24, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information via a partial presence notification identifying the less than the totality of the presence information available for the at least one presentity **(col. 3, lines 47-61)**.

As to claim 25, Yoakum teaches a UE terminal as in claim 19, wherein the watcher application is executable by the processor to receive the partial presence information in the form of a notification message to provide the watcher application with the partial presence information **(col. 12, lines 10-35)**.

As to claim 26, Yoakum teaches the UE terminal as in claim 25, wherein the notification message comprises a SIP Notify method **(col. 12 lines 10-35)**.

As to claim 27, Yoakum teaches the UE terminal as in claim 19, further comprising a transceiver capable of transmitting the at least one request, and of receiving the partial presence information, via a network **(See Background)**.

As to claims 28-30, Yoakum teaches wireless data transfers via mobile phones and the devices claimed in claim 30 **(See Background)**.

As to claim 31, Yoakum teaches an apparatus comprising: a memory configured to store presence information related to one or more presentities **(col. 9, lines 4-20)**; a processor

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configured to generate a subscription request to subscribe to presence information of a target presentity (**col. 10, lines 11-16**); a transceiver capable of transmitting the subscription request via the network, and capable of receiving partial presence notifications providing partial change information relating to the presence information of the target presentity in response to a status change in the presence information (**col. 9, lines 4-20 and col. 3, lines 47-61**); and wherein the processor is further configured to direct the memory to update the presence information with the partial change information (**col. 9, lines 4-20**).

As to claim 32, Yoakum teaches a presence server capable of being coupled to a plurality of terminals via a network for communicating presence information to one or more of the plurality of terminals, the presence server comprising: a memory configured to store presence information for a plurality of presentities, and to store terminal subscriptions for terminals authorized to receive the presence information for one or more of the presentities (**col. 9, lines 4-20**); a processing system coupled to the memory and configured to identify at least one presentity to which a particular terminal has subscribed, and to create a presence document including the presence information corresponding to the presentity (**col. 10, lines 11-16**), wherein the presence information is configured as partial presence information corresponding to a subset of a set of presence information available for the presentity, wherein the partial presence information is status information for presence information that have changed (**col. 9, lines 4-20 and col. 3, lines 47-61**); and a data transmission module coupled to the processing system and capable of communicating the partial presence information via the presence document to the subscribing terminal (**col. 9, lines 4-20**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,658,095 to Yoakum et al.

As to claim 3, Yoakum teaches the method of claim 1, however Yoakum does not explicitly teach instructions for providing a mode value in the presence information indicative of whether the presence document includes the partial presence information or the complete presence information.

Yoakum teaches both the provision of partial and complete presence information and therefore implicitly teaches a mode value.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding complete and partial presence information with the concept of a mode value because providing a mode value would make it clear to the user the type of information that they are otherwise already receiving.

As to claim 5, Yoakum does not explicitly teach the use of CPIM PIDF. Official Notice is taken that CPIM PIDF was a well known format for storing presence information, such as that taught by Yoakum, at the time of the applicant's invention. It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence information with CPIM PIDF because CPIM PIDF

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provides a specific implementation for the teachings of Yoakum that were discussed generically and combining the concepts would produce a predictable result.

Claims 6-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,095 to Yoakum et al. in view of U.S. Patent Application Publication Number 2002/0129103 by Birkler.

As to claims 6-8, Yoakum renders obvious the method of claim 5, however, Yoakum does not teach version comparisons.

Birkler teaches the claimed types of version comparisons (paragraphs 20-23).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence notifications with the teachings of Birkler regarding version comparisons because version comparison prevents unnecessary processing of data. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

As to claim 15, Yoakum does not explicitly teach supplying the presence document in the claimed temporal manners.

Birkler teaches providing a presence document according to predetermined time intervals (See Abstract).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Yoakum regarding presence notifications with the teachings of Birkler regarding providing a presence document according to predetermined time intervals because doing so provides less burden on the server while providing the client

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with relatively recent information. Both Yoakum and Birkler are directed towards the same type of technology so combining the two would produce a predictable result.

Allowable Subject Matter

Claim 17 is allowable over the prior art of record but rejected under Double Patenting and 35 USC 101 rejections as indicated in this action.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The antecedent basis problem with claim 9 must be corrected.

The following is a statement of reasons for the indication of allowable subject matter: In claim 17, the applicant claims a medium implementing a method which at the client terminal, compares the version value of presence information with a previously stored version value of presence information in order to update the presence information at the client terminal. U.S. Patent Number 6,658,095 to Yoakum teaches the concept of providing partial presence information (as shown in the rejection of claim 1 in this action) but Yoakum does not teach the claimed concept of associating the tuple including a version value with the presence information. U.S. Patent Application Publication Number 2002/0129103 by Birkler teaches the idea of associating a version number with presence information for comparison purposes (paragraphs 20-23) however Birkler makes the comparison of version numbers at the server and not at the client terminal as claimed. None of the other prior art of record was found to anticipate or make obvious the subject matter of claim 17. Claim 9 is allowable for the same reason as claim 17.

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As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442